UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/NGO/5
12 January 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by International PEN, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 December 1993]

WRITERS AND JOURNALISTS IN DETENTION

1. International PEN, the world association of writers representing members in 87 countries, wishes to bring to the attention of the fiftieth session of the United Nations Commission on Human Rights the plight of writers and journalists around the world who are currently facing persecution for the practice of their right to freedom of expression. It warmly welcomes Mr. Abid Hussain to the post of Special Rapporteur on freedom of expression, the creation of which marks the acknowledgement by the international community of the gravity and extent of attacks against those who criticize Governments through their writing or in the practice of their professions as journalists.

2. The Writers in Prison Committee of International PEN, which collects information on cases of attacks against individuals in the literary and media professions, has around 700 cases of persecution in over 90 countries on its records. It has already brought these cases to the attention of the Special Rapporteur on freedom of expression and will provide him with all the assistance available to it to work towards our joint campaign towards an end to the persecution of those who in the practice of their right to free expression find themselves victims of repression. This organization wishes to take this opportunity to raise its concerns at this meeting of the

United Nations Commission on Human Rights, the first at which the Special Rapporteur on freedom of expression will be reporting, to highlight those areas in which its concerns are acute.

3. One of the most persistent forms of silencing the dissenting voice is the practice of long-term imprisonment. The country which, according to International PEN's research, is guilty of holding the most writers and journalists is China. There are around 25 Chinese and Tibetan prisoners serving prison sentences of up to 20 years for the peaceful practice of their right to freedom of expression and association. Most are held on charges of "counter-revolutionary propaganda", having been arrested following the 1989 Tiananmen Square incident. Prison conditions are reported to be dire, and convictions are made following long terms of pre-trial detention and after trials which fall well short of international standards of fairness. Whereas International PEN welcomes a recent announcement that the Chinese authorities will allow members of the International Committee of the Red Cross to visit prisons, it remains concerned by the high numbers of writers serving long-term prison terms. It calls for the amendment of Chinese legislation which provides for the detention of persons solely for expressing their views. International PEN calls for all these individuals to be freed.

4. Long terms of imprisonment have also recently been pronounced against writers in Viet Nam and Myanmar. In April 1993, eight people involved in an underground magazine in Viet Nam were sentenced to terms ranging from 8 months to 20 years (some of which were subsequently reduced on appeal to a maximum of 15 years). Although convicted of attempting to "overthrow the people's power" through this publication, they are not known to have advocated violence towards political change. International PEN considers them to be detained in gross violation of their rights to free expression and is calling for their release.

5. International PEN was shocked by the 20-year sentences pronounced in October 1993 against two writers of Myanmar. One was convicted solely for having distributed a letter to opposition members of parliament urging them to oppose calls for an increased military role in the new constitution currently under debate. The other is accused of "endangering public peace, having contact with illegal organizations and distributing unlawful literature". Both prisoners are considered by International PEN to be detained in breach of international standards safeguarding the right to free expression and it is calling for their release. Their imprisonment has raised the number of writers, publishers and journalists known to be detained in Myanmar to 10.

6. In the Syrian Arab Republic, six writers and journalists are among those detained solely for their peaceful political activities. Two of these are serving 5- and 10-year sentences for having distributed leaflets alleging government abuses of human rights. Others have been held for long periods without charge or trial - in one case for over 13 years - on accusation of membership of prohibited organizations. One of the most blatant abuses against writers is the continued detention of an author arrested in 1970, sentenced to 15 years in prison on charges related to books he had written on the Syrian military. He remains in detention, six years after his sentence expired.

7. Crackdowns against dissidents in Cuba in 1991 and 1992 led to sentences pronounced against numerous writers and journalists who called for improved human and democratic rights. Two remain detained today, serving 8- and 10-year prison terms on charges which include the making of "enemy propaganda".

8. There are many other means by which Governments around the world chose to silence the voices of their critics. These range from harassment and intimidation, short-term detention, which often includes beatings and other forms of torture, and disappearance. The alarming number of outspoken writers and journalists killed in recent months - there were over 45 recorded instances of killings in the period January to November 1993 in countries including Algeria, India, Mexico, Tadjikistan and Turkey - is also of enormous concern to International PEN. Although in the majority of cases the murders cannot easily be directly attributed to government forces, the fact that in many countries Governments seem reluctant to fully and impartially investigate the killings leads to fears that the killers are being allowed to commit such crimes with impunity and indeed in some cases with the covert approval of the authorities.

9. In all cases of the killings of writers and journalists, International PEN calls for full and impartial investigations and that those found responsible be brought to justice. It is only through such measures can future instances of censorship through threat and murder, whether by government or non-government agencies, be deterred.

10. The mandate of the Special Rapporteur on freedom of expression will record these and other forms of abuse which do not necessarily threaten the physical safety of individuals. For instance, censorship and the "de-financing" of publications which criticize the authorities are also destructive to freedom of expression. International PEN looks forward to working with the Special Rapporteur towards our common goal of eliminating such practices worldwide.

---